G. R. S. IX-5]

Previous references.

1897

192 .

(RR)

Later references.

File No. 179

Serial Nos. 1–5

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–5

Part B for Dec 93

SUBJECT.

Dispute re the land in the Chinnayakkaa Halli Village, Seringapatam Taluk

WD 2233—GPB—20,000—14-6-20

Before the Council

Appeal No 13 of 1892-3

Appellant - Samachar on behalf of his daughter Seeta bai of Seringapatam

memo.

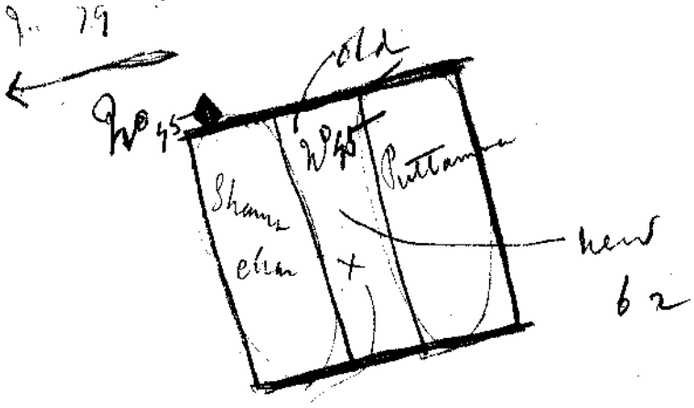
On 11th July 1890 one Siddi Gowda of Ganjam, Seringapatam Taluq, darkhasted for survey No. 162 measuring a.g. 1-28 and assessed at Rs 1-8-a in Chinnaikenhally. The land was given to him, there being no lies on it nor any other objection.

On 29th Sept one Rudrial Samachar the appellant, claimed it on behalf of his daughter Sita bai, alleging that it had been included in his lands.

The inquiry that followed showed that the land had always remained waste, that it was included in the boundary

No 2 Seringapatam purchased. [illegible] was sought

No 79



1) attested by Shanbogue of Sole Deed

Road to Arakalpathra.

Siddi Gowda v/s Patil.

boundaries described in
the Sale certificate produced
of Sila bai's lands, that
it bore Magi No. 45 & that
during the Survey Settlement
of 1889-90 it was separately
numbered and treated
as Govt. waste

The Sub-Division Officer
ordered the restoration
of the land to the appellant
on his paying Kandiyem
from the date of Survey
Settlement, which was
accordingly done.

Ladde Gowda appealed
to the Dy. Commr who
reversed the order of
the Sub-Division Officer
and directed the grant
of the land to Ladde
Gowda.

The appeal is against
this order which is dated
7th April 1892.

(1) The appellant contends
that the land in question
is within the boundaries
given in the Civil Court
Sale certificate and the
Sale deed based thereon

(2) That the sale deed bears the thumbmarks of attesting witnesses who would have raised objection if Govt. waste had been included in the deed

(3) That the Panabu or bridge was never changed.

(4) & That the appeal to the Dy. Commr. was not preferred within the time allowed by law.

The documents produced are:-

(a) Registered sale deed dated 7th Nov 1884.

(b) (Plain paper) Copies of certificates dated 3rd February 1875.

(c) Varumbaki accounts - ~~of collection of rent~~

(d) List of Govt. waste lands.

(e) Extract from Pahani accounts for 10 years prior to survey.

(f) Jenga Chitta kept previous to the survey.

(g) Jakram Taluka

The Dy. Commrs reasons are:-

(1)

(II) The land corresponded with the map no. 45 which was admittedly not held by the appellant or his predecessor in title

(III) Nor was mere boundary in favor of the appellant in the sale deed cannot give him a right over the land.

(IV) No evidence was adduced as regards the pathway having been diverted

(V) If Samachar had been in possession of the number, not only would he have been demanded for the cost of the bandhs but for the Kandayam also.

V Liddle Gowda having obtained the land as asserted by him would he cannot be deprived of the same.

VI The appeal of the Dy. Commr was filed

filed on 1-2-92 against an endorsement dated 3.11.91 the order on the Taluq Cutcha was passed without hearing Siddi Gowda The rules of limitation are new in Rev. Jurs. Case. Hence the admission of appeal.

The Receipt book in Form no IV issued to Siddi Gowda has been produced. No 162 is mentioned in it for the year 1890-91 Vikruti

—

VL
30/1/92

Post for hearing
after notice
to the parties
BR

Posted for hearing 1/12
on 11th May 1893. 11/5

BR
27th July 1893

BR

1/5

Mr Brunton to the Commissioner
Appeal no 13 of 1892-93.

Appellant — Samachar
on behalf of Sita
bai of Seringapatam.

Prices

On 11th July 1890 Lodde
Gowda of Ganjam, Seringa-
-patam Taluq, darkasted
for survey no. 162 measur-
-ing 1.28 A. G. and assessed
at Rs 1-8-0 in Chinnaiken-
-halli

29-7-90 - The Sheristadar reported with
the Shanbogue's certificate
that there was no objection
to the grant of the land to
the darkastdar and that
there were no trees thereon.

31.7-90 The Amildar thereupon
granted the land and
issued the usual Sagu-
-vali Chit

25.9-90 The appellant Sudhal
Samachar put in his
petition stating that the
number was included
within the boundaries of
the lands purchased by
his daughter Sita bai
and prayed for the can-
-cellment of the Saguvali
Chit

Chit.

This was referred to the Shekdar 29-9-90
for report

The appellant petitioned 6-10-90
the Sub-Division officer French
Rocks on the same subject
which was also forwarded 7-10-90
Dharwar for report.

The Shanbogue made a 20-11-90
statement before the Shekdar
to the effect that Survey
No. 162 had ever been
waste, that it did not
belong to Samachar,
that the lands purchased
and enjoyed by him
were Nos 160, 161 & 157, 67
and 169 that these had
bunds and had the
boundaries defined,
that Survey No. 162 mentioned
in the Sale deed had been
included within the
boundaries of the lands
purchased by Seetabai
that had it belonged to him,
he would have ~~cultivated~~
& claimed it during
the Survey settlement and
cultivated it also & that
as it had been cut up
by the water course, it did
not bear any "Mage" number

and

and that he signed the sale deed being now to the work.

20.11.90 The sheristhar submitted the above statement of the amildar

7-12-90 Samachar again petitioned the Taluq[k] enquiry was held: Samachar deposed in the terms of his petition and the Shanbogue deposed that within the boundaries mentioned in the sale deed there was some barren land without a number being assigned for it and during the survey the cultivated area that is, the portion bearing magi numbers was made into survey

17-12-90 numbers 157, 160 & 161 and that the uncultivated portion was numbered as 162 and treated as Govt. waste.

21.1.91 The land question being brought on Tahsildar Taluk the Sub-Division Office during the Jamabandy passed orders on it to the following effect:—

The—

The boundaries described include not only survey numbers 157, 160, & 161 but also survey no. 162. During the survey nos 157 160 & 161 were registered in Samalchar's name no 162 was waste and in the list of waste lands the magi number of this land is given as no. 45. The relative position of the numbers also goes to show that sale certificate is correct - should Samalchar consent to pay Candarem from the date of survey settlement the land may be restored to him otherwise it should be given to Dadhadas who has not yet entered upon it and begun cultivation

The Amildar visited the land of Samalchar as he paid Kandarem from the date of survey settlement 3-2-91

Siddi gowda complainant 23-8-91
of the dist. Dharwar

2

against it and was informed of the above order by means of an endorsement thro' the Taluq.

29-10-91 Siddegowda thereupon appealed to the Dy Comm. adding further that there was a pathway to the North of no. 162 and that owing to the breach of the Kala the pathway was changed it now passing to the South of the land in question

The Dy. Comm. sent for the records connected with the case with additional papers i.e Pahani extract for 10 years prior to survey and also the Shanbogue's

21.3-92 further statement to the effect that before the sale by civil Court the holding of Chikkamuni Gowda (original holder) consisted of Nagi numbers 11, 16, 17 18 & 19 according to Chitta produced

On 7th April 1892 the Dy Comm after perusing the records passed order to the following effect

"It is admitted that
"no. 162 corresponded to
"old no. 45 which was
"admittedly not held
"by the Respondent (Samasthan)
"or his predecessor in
"title. It has been waste
"for the last 10 years &
"more. The Respondent's
"contention is that the
"Southern boundary for
his undisputed lands
viz 160 161 & 157 in that
block was given in the
Sale certificate and other
documents as the Rail-
-way to Allapalli
and that the said
Railway is to the
South of 162. The
appellant contends that
the Railway has been
diverted to the South
owing to the transfer
of the Pamulu or bridle
across the Chikka Vaga
Sagar Nala. No evidence
has been recorded on
this point. The land
in dispute is admittedly
rugged and has a small
drainage

drainage channel in
the middle known fields
or other land marks are
generally given as
boundaries and as
the old number 45
was waste and consists
of an inconsiderable
extent of barren land
the boundary was
probably mentioned
as the pathway to
Allapatna that the
same is unchanged.
The principal argument
against is the fact
that No. 162 is said to
coincide with the field
No. 45 before survey.
This statement is borne
out by accounts and
is disinterested and
made before disputes
arose between the parties
If the Respondents had
been in possession
of this number not
only would he have
been demanded for the
cost of bhandy but for
the kandayam also. For
these reasons, I hold
that more than of the
boundary

boundary forming Reserve
dists' contention cannot
avail him and that
no. 162 must be considered
to have been assessed
Govt. waste lands as
such the appellant
having got it by default
he cannot be deprived
of the same I would
therefore reverse the
order of the Sub-Div.
Officer and allow the
land to appellant. "

The appeal was filed
on 1st February 1892 agst
an endt. no. 123 dated
3rd Nov. 1891 issued
by the Deputy Commr
The order of the Sub-Div
officer was passed on
Jan. 20th 1891 without
hearing appellant.

Under these circumstances
& in consideration of the
fact that rules of limitation
are new in Revenue
cases I have admitted
this appeal before

The appeal is against the order

29.11.92 30.11.92

L.R. 179-92-1

(2)

(1) Stamp Correct

(2) Order produced

(3) Appeal in time
Calculated from
the date of delivery
of the Copy of Order
appealed against

(4) Rule I Cl. II
of the ~~Old Rules~~

Call for Copy
with Report
BO
4/8/92

(General Serial No. 32.)

1892.

No. 233

Name of Petitioner. Shamalhar on behalf of Shita Boi

Village. Seerangapatam

Taluk. Do

District. Mysore

Date of Arzi.

Date of Receipt. 26th July

Date of Disposal.

No. of Enclosures. 6.

ABSTRACT.

One Siddi Gonda applied for Survey No. 162 in Bhimayakanahalli and the Amildar issued Sagooli chit to him. The Sub Dn Officer cancelled this Sagooli chit and directed the Amildar to allow the land to the Petitioner and collect from him its Kandayam since the time of the Survey Settlement. On appeal, the Dy Comm r Reversed the Sub Dn Officer's Order and allowed the land to the Counter-petitioner on the ground that the land was Govt waste.

The Petitioner appeals against his decision and states

that the land is not Govt land,
but it was purchased by him
from the person that obtained
it in public auction and that
therefore the land may be given
to him.

S.V.
28/7.

(1)

Presented by Sangameshwar
26th July 1892

Received 26/7/92.

14-8-92 A.S. NO 13
92-93.

ਸਾਰਾਗੜ੍ਹੀ ਦੀ ਲੜਾਈ ਦੇ ਸਿੱਖ ਸੂਰਮੇ

ਸਾਰਾਗੜ੍ਹੀ ਦੀ ਲੜਾਈ ਸਿੱਖ ਇਤਿਹਾਸ ਦੀ ਇੱਕ ਅਜਿਹੀ ਲੜਾਈ ਹੈ ਜਿਸ ਵਿੱਚ ਸਿੱਖ ਫੌਜ ਦੇ ਕੇਵਲ ਇੱਕੀ ਸਿਪਾਹੀਆਂ ਨੇ ਦਸ ਹਜ਼ਾਰ ਅਫ਼ਗਾਨ ਫੌਜੀਆਂ ਦਾ ਮੁਕਾਬਲਾ ਕੀਤਾ ਸੀ। ਇਹ ਲੜਾਈ ਸੰਨ ੧੮੯੭ ਵਿੱਚ ਸਾਰਾਗੜ੍ਹੀ ਦੇ ਕਿਲ੍ਹੇ ਦੇ ਨੇੜੇ ਹੋਈ ਸੀ। ਸਾਰਾਗੜ੍ਹੀ ਦਾ ਕਿਲ੍ਹਾ ਫਿਰੋਜ਼ਪੁਰ ਅਤੇ ਲੋਕਹਾਰਟ ਦੇ ਵਿਚਕਾਰ ਸੰਚਾਰ ਲਈ ਬਣਾਇਆ ਗਿਆ ਸੀ। ਇਹ ਕਿਲ੍ਹਾ ਸਮਾਣਾ ਪਹਾੜੀ ਦੀ ਚੋਟੀ ਉੱਤੇ ਸਥਿਤ ਸੀ। ਇਸ ਕਿਲ੍ਹੇ ਦੇ ਦੋਵੇਂ ਪਾਸੇ ਦੋ ਹੋਰ ਕਿਲ੍ਹੇ ਸਨ ਜਿਨ੍ਹਾਂ ਦੇ ਨਾਂ ਗੁਲਿਸਤਾਨ ਅਤੇ ਲਾਕਹਾਰਟ ਸਨ। ਇਹ ਤਿੰਨੇ ਕਿਲ੍ਹੇ ਇੱਕ ਦੂਜੇ ਤੋਂ ਲਗਭਗ ਤਿੰਨ ਕਿਲੋਮੀਟਰ ਦੀ ਦੂਰੀ ਉੱਤੇ ਸਨ। ਇਹ ਤਿੰਨੇ ਕਿਲ੍ਹੇ ਸੰਨ ੧੮੯੭ ਵਿੱਚ ਅਫ਼ਗਾਨ ਕਬੀਲਿਆਂ ਦੇ ਹਮਲੇ ਦਾ ਸ਼ਿਕਾਰ ਹੋਏ ਸਨ। ਇਹ ਹਮਲਾ ਅਫ਼ਗਾਨ ਕਬੀਲਿਆਂ ਦੇ ਆਜ਼ਾਦੀ ਲਈ ਕੀਤੇ ਗਏ ਵੱਡੇ ਹਮਲੇ ਦਾ ਹਿੱਸਾ ਸੀ। ਇਸ ਹਮਲੇ ਵਿੱਚ ਲਗਭਗ ਦਸ ਹਜ਼ਾਰ ਅਫ਼ਗਾਨ ਫੌਜੀਆਂ ਨੇ ਹਿੱਸਾ ਲਿਆ ਸੀ। ਇਹ ਹਮਲਾ ਸਵੇਰੇ ਨੌਂ ਵਜੇ ਸ਼ੁਰੂ ਹੋਇਆ ਸੀ ਅਤੇ ਦੁਪਹਿਰ ਤੱਕ ਚੱਲਦਾ ਰਿਹਾ ਸੀ। ਇਸ ਹਮਲੇ ਵਿੱਚ ਸਿੱਖ ਫੌਜ ਦੇ ਇੱਕੀ ਸਿਪਾਹੀ ਸ਼ਹੀਦ ਹੋਏ ਸਨ। ਇਨ੍ਹਾਂ ਸਿਪਾਹੀਆਂ ਦੇ ਨਾਂ ਇਸ ਪ੍ਰਕਾਰ ਹਨ:

ਹਵਲਦਾਰ ਈਸ਼ਰ ਸਿੰਘ, ਨਾਇਕ ਲਾਲ ਸਿੰਘ, ਲਾਂਸ ਨਾਇਕ ਚੰਦ ਸਿੰਘ, ਸਿਪਾਹੀ ਗੁਰਮੁਖ ਸਿੰਘ, ਸਿਪਾਹੀ ਸੁੰਦਰ ਸਿੰਘ, ਸਿਪਾਹੀ ਰਾਮ ਸਿੰਘ, ਸਿਪਾਹੀ ਭਗਵਾਨ ਸਿੰਘ, ਸਿਪਾਹੀ ਜੀਵਨ ਸਿੰਘ, ਸਿਪਾਹੀ ਨਰਾਇਣ ਸਿੰਘ, ਸਿਪਾਹੀ ਦਿਆ ਸਿੰਘ, ਸਿਪਾਹੀ ਹੀਰਾ ਸਿੰਘ, ਸਿਪਾਹੀ ਭੋਲਾ ਸਿੰਘ, ਸਿਪਾਹੀ ਨੰਦ ਸਿੰਘ, ਸਿਪਾਹੀ ਜੀਵਨ ਸਿੰਘ, ਸਿਪਾਹੀ ਸੁੰਦਰ ਸਿੰਘ, ਸਿਪਾਹੀ ਰਾਮ ਸਿੰਘ, ਸਿਪਾਹੀ ਭਗਵਾਨ ਸਿੰਘ, ਸਿਪਾਹੀ ਜੀਵਨ ਸਿੰਘ, ਸਿਪਾਹੀ ਨਰਾਇਣ ਸਿੰਘ, ਸਿਪਾਹੀ ਦਿਆ ਸਿੰਘ, ਸਿਪਾਹੀ ਹੀਰਾ ਸਿੰਘ, ਸਿਪਾਹੀ ਭੋਲਾ ਸਿੰਘ, ਸਿਪਾਹੀ ਨੰਦ ਸਿੰਘ।

ਇਨ੍ਹਾਂ ਸਿਪਾਹੀਆਂ ਨੇ ਆਪਣੀ ਜਾਨ ਦੀ ਪਰਵਾਹ ਨਾ ਕਰਦੇ ਹੋਏ ਅਫ਼ਗਾਨ ਫੌਜੀਆਂ ਦਾ ਮੁਕਾਬਲਾ ਕੀਤਾ ਸੀ।

દીલાકોર ગોસ્વામી વૂદિ દા હુ રામા ચા રા રાજે

Rev
F. 114-92

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

(R 179-92

The accompanying Petition No. 233

dated 26th July/92. received at the

Dewan's Office from Shamalear

on behalf of Sheta Boi, Sara-

putram, praying that R.

Lic 162 in Channaya kumbalu

for which he applied, may

be given to him.

From the Dewan's No 1897 17-9-92

is forwarded, together with its Six

enclosures, to the Deputy Commr

Mysore Distt for submission

of Proceedings with a report

on the facts of the case and

on the points taken in the petition

2 The petn should be return'd

By Order,

Draft

6/8/92

Chief Secretary.

BANGALORE,
1 August 1892

Pet F. 114 of 92

(4/a)

General Serial No. 30.)

1892

OFFICE OF THE
3263.
22 SEP. 92
Pet: 153.

From The Deputy Commissioner.
Mysore District.

LR 179-92-3

To The Chief Secretary to the Dewan
of Mysore.

Dated 17th September 1892.

Despatched

Received

Enclosures No. Petition with its six enclosures & cancer papers

General No.
No. 569

Submitting report on the petition
Shamachar on behalf of Shitaboi
Seringapatam

Petn Dor Mysr 22/9/92

S. K Rao
for Narain Iyengar
within 2 days
21
14/11/92

(4)

No. 569.
2. Petition &c
Kanarese
papers-

Mysore Deputy Commissioner's Office
Dated Mysore 17th September 1892.

From

A. Rungaswami Iyengar, Esquire, B.A., B.L.
Deputy Commissioner

To

The Chief Secretary to the Dewan
of Mysore.

Sir,

I have the honor to submit herewith the file of correspondence called for in the Official memorandum No. F. 114 dated 6th August 10 1892, together with a report on the facts of the case.

2. Siddé Gowda son of patél Tibbé Gowda residing in Ganjam Sukravarpeté applied on the 11th July 1890 for survey No. 162 in the village of Chikkanaikanahalli. The Shanbogue reported _____ that there were no trees in the number applied for, that the description given by the Sarkhastdar was correct and that there existed no objection to the granting of the same. The application was granted and

Acres 1-28. Assessment Rs 1

the issue of a rayavali chit was ordered. The name was accordingly issued on the 31st July. On the 25th September 1890, one Samachar applied to the Taluk as guardian of Sita Bōyee and stated that this land was included in the lands purchased in the name of the said Sita Bōyee on the 7th November 1884, and that he wanted the patta of the said number to be made in the name of said Sita Bōyee. The Sheikdar reported that the land was given to Siddappa as per orders on his darkhast, that it did not appear to have been ever cultivated, that it appeared to be within the boundaries appearing in the document produced by the petitioner and that the Shanbogue's statement was also submitted. From this latter, it would appear that the number 162 in question was never cultivated, and is not now brought under cultivation, that the same appears ~~in the deed as being~~ to be included in the boundaries mentioned therein, that this fact alone could give no right to the number, because the man could have applied for registry in his name at the settlement, which he has not done, that the petitioner may have been aware of the fact that the land was found "banjar" from the beginning and was separately numbered, that being new to his work, he attested as a witness, the sale deed that no separate

old number is given to this land as it was cut up by a water-way for water from the nala, that the villagers and the neighbouring land holders say that this land was never brought under the plough, that being entered as "bunjar" at the time of Mojani it was granted to one Siddé Gowda on darkhast and the land has been handed over to his possession and that in his opinion nothing could be done on the petition. At the time of the Jamabendi Mr. Ramdeal Row ordered that if Shamachar consented to pay the revenue of the number from the period of survey, it might be confirmed in his name and that should he demur, it might then be given to Siddé Gowda. Siddé Gowda then petitioned the Sub-Division Officer, which petition was referred to the Mamlatdar who reported to say that under the orders of the Jamabendi Officer as Shamachar had elected to pay the arrears of revenue, the number was confirmed to him and an endorsement was ordered to be given to the petitioner.

3. Siddé Gowda then petitioned the Deputy Commissioner and the judgment now in appeal was passed on the 7th April 1892.

4. The petition and its 6 enclosures received with the memo under reply are herewith

Resubmitted

I have the honor to be,
Sir
Your most obdt. servant,

A Rangamma Gangadhar
Deputy Commissioner
Mysore District

Compd:
Clerk

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. of

Appellant. Vs. Respondent.

Shamachar on behalf of his daughter Sita Bayi

Sidde Gowda

AR 1899-9-14

Facts of the case

Survey No. 162 at Chennaikan-halli in the Seringapatam Taluk was, on the application of Sidde Gowda Patel of that village, granted to him for cultivation on 31st July 1870. The Appellant Shamachar contends that the land is comprised within the boundaries of the property held by one Chikkamni Veeria, which, at a Court sale was conveyed to one Venkatramanna on the 3rd February 1875 and was purchased by Sita Bayi from his vendee, on 7th Nov. 1884.

2. The land in dispute bore the Maji No 45 in the Pahani accounts from 1880-81 and had been entered therein as Government Waste. At the Survey Settlement in 1889-90, it was given No 162.

3. In the sale certificate relied on by appellant, the Maji Nos of the lands sold are given as 11, 16, 17 and 18, and the Southern boundary therein specified, viz. the way to Allapatna, includes the waste land in dispute. Having regard to this fact the Sub Div. Officer ordered, on the 21st January 1891, that the land should be entered in appellant's name if he paid the assessment thereon from the Settlement year, 1889-90. On appeal the Deputy Commr upheld the grant to the Respondent, chiefly on the ground that Maji No 45 was never in the Patta of Sitabayi or her predecessors in title

Decision.

It is not known when the Maji numbers of the fields referred to in the Sale Certificate of 1875 were first changed, and as the Southern boundary given both in the Sale Certificate

In Standing [illegible]
deposition dated
21 March 1892
stated as follows

In the Jamjar Bund
Chitta of this Kuala
Trap Nos 11, 16, 17, 18
x 19 are entered
In the Survey Book
Patta Accounts
as Trap Nos 43, 44
x 61 are entered
[illegible] this charge
with Nos 1 and 2
[illegible] - I [illegible]
Patteeram in charge
of the Pahangis
left from the scene
began to [illegible] after

and in the sale deed of 1884
in favor of Sita Bayi which
is attested by the village Shanbhag
clearly include the land in
dispute. The Government ~~are~~ concede
~~of opinion~~ that appellant
is entitled to ~~have~~ the land
The Deputy Commrs order
is set aside and that of the
Sub Division Officer restored

17/8

Chief Secretary

16/8/93

No 3396 dt 16/8/93
P.F. 114-92

Copy to the Deputy Commrs
Mysore, with the records
received with his No 5698
17-9-92.

Submit for
for approval

11/8

11/8

...with proposal
of the sanction made.
12/7/8

Seen
11/8

17/8

12/8.

No. 13
233

LR 19-9-92-5

24-8-93

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
24 August 1893

Endorsement granted to Boodihal Shamachar, on behalf of his daughter Sita Bayi, Srirangapatam

in reply to his Petition Registered No. 233 / A.S. No 13 dated 19th July 1892 appealing against the order of the Deputy Commr of Mysore regarding ~~Petitioner's right to~~ S. No 162 in Chinnaikenhalli, Seringapatam Taluk.

Petitioner is informed that the ~~Deputy Commissioner's order is set aside and that of the~~ Sub Dn Officer's ~~order~~ order directing the register of the land in Petitioner's name subject to payment of assessment from the fasli current year, has been restored.
2. The enclosures are returned.

Draft
(Council order)

"By Order"
23/8
Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.